

## REMARKS/ARGUMENTS

### 1.) Claim Amendments

The Applicant has amended claims 1, 7 and 14; claims 2, 8 and 15 have been canceled. The Applicant respectfully submits no new matter has been added. Accordingly, claims 1, 3-7, 9-12, 14 and 16-19 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### 2.) Claim Rejections – 35 U.S.C. § 102(b)

The Examiner rejected claims 1-13 and 14-18 under 35 U.S.C. § 102(b) as being anticipated by Ericsson Telefon. (WO 99/05828). The Applicant extremely appreciates the remarks provided by the Examiner and has further amended the pending independent claims to more clearly and distinctly claim the subject matter which the Applicant considers as his invention. The Applicant submits that the amended claims are distinguishable and patentable over the cited references.

More specifically, Ericsson Telefon (which is owned by the same Assignee herein) discloses a SGSN having plurality of queues (buffers) for providing quality of service (QoS) to control data flow rates based on: (1) packet data protocol (PDP) context and QoS delay class; (2) per mobile station and QoS; and (3) per cell and QoS. (See Figure 11 and page 21, lines 6-23) The BSS has queues to control data flow rate based on per cell and QoS. (See Figure 11 and page 21, lines 6-23) Moreover, 3GPP TS 08.18 v8.7.0 discloses that the flow control parameters used by the BSS are based on MS flow control and BVC flow control. (See Figure 8.1) These references do not disclose a BSS that uses the flow control parameters of "said data flow rate of each quality of service level based packet data flow to said mobile station and an overall data flow rate corresponding to a sum of said quality of service level based packet data flows to said mobile station" as recited in claim 1. Note the contrast between Figure 1 of the present application and Figure 8.1 of 3GPP TS 08.18 v8.7.0. As a result, the Applicant respectfully submits that the cited references do not identically disclose all the elements recited in claim 1. Accordingly, the Applicant respectfully submits that claim 1 is

allowable under 35 U.S.C. § 102(b) over the cited references. Therefore, the allowance of claim 1 is respectfully requested.

Claims 7 and 14 recite similar elements to those of claim 1. Accordingly, the Applicant respectfully submits that claims 7 and 14 are allowable under 35 U.S.C. § 102(b) over the cited references. Therefore, the allowance of claims 7 and 14 is respectfully requested.

Claims 3-6, 9-12 and 16-19 depend from claims 1, 14 and 17, respectively, and recite further limitations in combination with the novel elements of claims 1, 14 and 17. Accordingly, the Applicant respectfully submits that claims 3-6, 9-12 and 16-19 are allowable under 35 U.S.C. § 102(b) over the cited references. Therefore, the allowance of claims 3-6, 9-12 and 16-19 is respectfully requested.

In addition, the Applicant respectfully submits that claims 1, 3-7, 9-12, 14 and 16-19 are also allowable under 35 U.S.C. § 103 over the cited references.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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